GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted over the Integrated Check Post Naraharipet Mandal, Chittoor District on 14-04-2016 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Article of Charges framed against Sri Avula Radha Murali Krishna, ACTO - Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.98 Dated :30-01-2017
Read:

G.O.Ms.No.39, Revenue (Vigilance – II) Department, Dated: 30-01-2017

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri Avula Radha Murali Krishna, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipet, Chittoor District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Avula Radha Murali Krishna, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipet, Chittoor District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Avula Radha Murali Krishna, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipet, Chittoor District is further informed that if he does not submit his written statement of defense on or before the date specified in para 2 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri Avula Radha Murali Krishna, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipet, Chittoor District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Avula Radha Murali Krishna, Assistant Commercial Tax Officer,
Integrated Check Post, Naraharipet, Chittoor District (w.e, Annexures-I to IV)
through the Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada
(with a request to serve the order on the individual and send the served copy with dated signature to Government)
The Commissioner, Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada.

Copy to

The Agriculture & Co-operative (Vigilance) Department.
The Environment Forest Science & Technology (Vigilance) Department.
The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Velagapudi.
The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.
SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI AVULA RADHA MURALI KRISHNA S/O LATE A.RADHA MURALI KRISHNA, AGE 52 YEARS, ASSISTANT COMMERCIAL TAX OFFICER, INTEGRATED CHECK POST, NARAHARIPET, CHITTOOR DISTRICT.

That, **Sri Avula Radha Murali Krishna, S/o late A.M. Radha Krishna,** worked as Assistant Commercial Tax Officer, Integrated check Post, Naraharipet, Chittoor District having joined in Government Service on 10-02-1982 as Junior Assistant at O/o the Commercial Tax Office, Madanapalle and there worked up to 31-05-1985. Then he worked from. 07.06.1985 to 31.07.1987 O/o the Assistant Commercial Tax Officer-Check Post, Tana, Chittoor Division, from. 05.08.1987 to 04.07.1991 O/o the Dy. Commercial Tax Officer, Kuppam, Chittoor Division, from 10.07.1991 to 19.10.1993 O/o the Deputy Commercial Tax Officer-II, Chittoor, Chittoor Division, from 20.10.1993 to 30.08.1995 O/o the Assistant Commercial Tax Officer, Check post ,Iruvaram, Chittoor, Chittoor Division, from 31.08.1995 to 07.08.1996 O/o the Deputy Commercial Tax Officer, Punganur, Chittoor Division, then he got promoted as Senior Assistant on 14.08.1996 and worked up to 07.08.2000 at O/o the Deputy Commercial Tax Officer, Pulivendla, Kadapa District, Chittoor Division, from 10.08.2000 to 24.05.2003 O/o the Deputy Commercial Tax Officer, Badvel, Kadapa District, Chittoor Division, from 26.05.2003 to 15.07.2008 O/o the Commercial Tax Officer-II Circle, Chittoor, Chittoor Division, from 16.07.2008 to 03.05.2010 O/o the Commercial Tax Officer- Madanapalli Circle, from 03.05.2010 to 31.03.2012 O/o the Deputy Commissioner (Commercial Taxes), Chittoor Division, then he got promoted as Assistant Commercial Tax Officer on 02.04.2012 and worked up to 31.03.2013 at O/o the Deputy Commercial Tax Office, Border Check Post, Check Post, Tana, Chittoor Division, from 01.04.2013 to 04.06.2015 at. O/o the Commercial Tax Officer-I Circle, Chittoor Division, then he reported in Integrated Check Post, Naraharipet, Chittoor District on 05.06.2015 and he worked there till to date. While working as Assistant Commercial Tax Officer, Integrated Check Post, Naraharipet, Chittoor District, he committed grave misconduct in as much as here in after called as Government Servant (G.S).

CHARGES:

1. That the Government servant **Sri Avula Radha Murali Krishna** working as Assistant Commercial Tax officer, Integrated Check Post, Naraharipet, Chittoor District from 05-06-2015. While working there he engaged the services of one unauthorized Private person to

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attend Government duties at the Check Post and also allowed to collect bribe amounts in the check post from the drivers/cleaners of the vehicles passing through the check post. During Surprise Check an unaccounted amount of Rs. **3000/-** is found in the possession of Sri Melapundi Mahadevan @ MGR. Further amount of **Rs. 15000/-** is found under the gas cylinder in the kitchen room located in the Main building **and** an amount of **Rs.1790/-** is found in the South-East corner of the Computer table of the Computer Room. Either the private person nor the Staff of Border Check Post has claimed or accounted for the above cash, for which he failed to give any satisfactory account/explanation and violated the provisions laid down under by violating the instructions of the Superior Officers in **G.O.Ms.No.381(Ser.C) Department Dated.8-12-2003 which enunciates that "** A government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devoting to duty and the circular Memo No **101/Spl.B/2000-4, Dated.17-4-2001** of Government General Administration Department (SplB)" that no manual or any procedure prescribed to engage a private person to perform certain official duties during the course of departmental activity" thereby contravened Rule — 3 (1), (2), (5) and 9 (8) (A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

CHARGE-II: That the Government Servant while working as Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta being a Supervisor Officer failed Accused Officer take all possible steps to ensure the integrity and devotion to duty of all the Government servants for the time being under his control and authority.

Thus, **Sri Avula Radha Murali Krishna** working as Assistant Commercial Tax officer, Integrated Check Post, Naraharipet, Chittoor District by his above mentioned acts has exhibited lack of integrity, devotion to duty and slack supervision, conduct unbecoming of a Public Servant and thereby contravened Rule 3 (1), (2) (5) & 9 (8) (A) of The Andhra Pradesh Civil Services (Conduct) Rules, 1964.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SRI AVULA RADHA MURALI KRISHNA S/O LATE A.M.RADHA KRISHNA, AGE 52 YEARS, ASSISTANT COMMERCIAL TAX OFFICER, INTEGRATED CHECK POST, NARAHARIPET, CHITTOOR DISTRICT.

That, **Sri Avula Radha Murali Krishna,** worked as Assistant Commercial Tax Officer, Integrated check Post, Naraharipet, Chittoor District from 24-12-2015 to till date.

That, **Sri Avula Radha Murali Krishna** is a native of Punganur, Chittoor District. His date of birth is 05-02-1964. His date of retirement is 28-02-2024. He joined in Government service on 10-02-1982 as Junior Assistant in Commercial Tax Department, he got promoted as Senior Assistant on 14-08-1996 and then promoted as Assistant Commercial Tax Officer on 31-03-2012, then he reported in Integrated check Post, Naraharipet, Chittoor District, he worked there from 05.06.2015 to till date. His basic pay with Scale of pay is Rs.56,870/- (8940/- to 78,910/-) as on 14-04-2016. He is herein after referred to as Government Servant (G.S).

FACTS AND EVIDENCE:

On credible information that the officials working in the Integrated Check Post, Naraharipet, Chittoor District are indulging in corrupt and illegal practices and collecting illegal gratifications/bribes from the vehicle drivers / cleaners passing through the check post by engaging the services of private person, a surprise check was conducted by Anti Corruption Bureau officials in the presence of two official witnesses on 14-04-2016 in between 08:00hrs to 15:00 hrs. **Sri Avula Radha Murali Krishna** was the Assistant Commercial Tax Officer, Integrated Check Post, Naraharipet, Chittoor District was present. During the surprise check, one Un Authorized Private person to attend Government duties at the Check Post and also allowed to collect bribe amounts in the check post from the drivers/cleaners of the vehicles passing through the check post.

During Surprise Check an unaccounted amount of Rs. 3,000/- is found in the possession of Sri Melapundi Mahadevan @ MGR (private person). Further, he stated that he collect amounts on behalf of the staff of Commercial Tax Department, Integrated Check Post, Naraharipet, Chittoor District from the vehicle driver/cleaners and hand over the collected bribe amounts to the staff of Commercial Tax Department at the end of their duty hours.

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In addition to that an unaccounted amount of Rs. **15000/-** is found under the gas cylinder in the kitchen room located in the Main building **and** an amount of **Rs.1790/-** is found in the South-East corner of the Computer table of the Computer Room of Integrated Check Post main building. Either the private person nor the Staff of Integrated Check Post has claimed or accounted for the above cash during the surprise check conducted by Anti Corruption Bureau officials on 14-04-2016.

From the above, it is clear that the Government Servant in collusion with his staff engaged the services of Un Authorized Private Employee allowed him to collect money illegally on behalf of the staff of Commercial Tax Department, Integrated Check Post, Naraharipet, Chittoor District.

Through the circular Memo No **101/Spl.B/2000-4, dt 17-4-2001** of Government General Administration Department (SplB)" that no manual or any procedure prescribed to engage a private person to perform certain official duties during the course of departmental activity"

Hence, the total un accounted cash of Rs.**19,790/-** has been presumed to be the amount collected as bribe/illegal gratifications from the parties and intended to be given to the staff of Integrated check post, Commercial Tax Department, Naraharipet, Chittoor District and therefore the same was seized by the Deputy Superintendent Police, Anti Corruption Bureau, Tirupati.

Then the Deputy Superintendent Police, Anti Corruption Bureau, Tirupati verified the following registers.

1. **DUTY REGISTER OF CT, FOREST AND RTA DEPARTMENT:** The record is being maintaining from 14-02-2016 to till date. On examination of the entries on 13-04-2016 20:00hrs to 14-04-2016 08:00hrs it is found that the 8 Employees belongs to Commercial Tax Department, 2 employees belongs Transport Department were found present. On observation J.Venkatesulu, Assistant Commercial Tax Officer is on Casual Leave and in his place Sri. Syed Imtiyaz Ahamed is discharging duties. But the Dalavai Chandrasekhar, Age-56, S/o. Late D.Gopal Naidu, Forest Section Officer, O/o. Integrated Check Post, Naraharipet, Chittoor district, R/o. D.No. 19-266, Mittoor Chittoor town, Chittoor district, Employee ID:1125202, Cell No. 9440076269 is found absent and has not attested his signature. When enquired about his absence to the

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ACTOs incharge for the night session. They stated that no leave letter is submitted by him and is absent without intimation.

2. **DUTY REGISTER OF AGRICULTURAL DEPARTMENT:** The record is being maintaining from 01-01-2016 to till date. On examination of the entries from 20:00hrs on 13-04-2016 to 08:00hrs on 14-04-2016, it is found that 2 Employees have put their signatures. But Sri Kavali Nagaiah Kranthi age 54 yrs, S/o Late Nagaiah, Supervisor, Agricultural Market Committee, Vepanjeri, Head Quarter Penumur Chittoor District, R/o D.No. 1-578/1, Reddy & Reddy Colony, Kattamanchi, Chittoor Town, Chittoor District. Cell No. 9493950474 is absent for duty. When enquired about his presence with the Security Guard of AMC department, he stated that K.N.Kranthi is absent since last night.
3. **CASUAL LEAVE REGISTER OF CT, FOREST AND RTA DEPT:** The record is being maintained from 01-01-2016 to till date. On examination it is observed that no leave is sanctioned to Sri. D.Chandrasekhar of Forest department.

During the course of investigation the Investigating Officer, asked Charged Officer asked **Sri Avula Radha Murali Krishna,** Assistant Commercial Tax Officer, Integrated Check Post, Naraharipet, Chittoor District to offer his explanation regarding the presence of Private person and in possession of bribe amount in his possession and about the presence of excess unaccounted amount in the premises of the Integrated Check Post Main building, he kept silent with a sign of guilt in his face.

Thus, the Charged Officer **Sri Avula Radha Murali Krishna,** being a public servant by his above mentioned acts has exhibited lack of integrity, devotion towards duty and conduct unbecoming of a Government Servant and Slack supervision and thereby contravened Rule 3(1), (2) (5) and 9 (8) (A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular Departmental Action for Major penalty.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES:

1. Sri Ravuru Krupasekharudu, Age 55 yrs, S/o Late R. Kuppa Naidu, Physiotherapist, O/o Medical Officer, Temporary Hospitalization Ward (Leprosy), SVRRGGH Campus, Tirupati Town, Chittoor District R/o D.No. 6-1-70, Varadaraja Nagar, K.T. Road, Tirupati Town, Chittoor District. Cell No. 9441633258, 8712821828.(MR-1)

2. Sri Kuppachi Narendra age 58 yrs, S/o Late K. Subbrahmanyam , Accountant , O/o Additional District Medical and Health Officer (AIDS and Leprosy) , SVRRGGH Campus, Tirupati Town, Chittoor District R/o D.No. 10-126/6, Yogimallavaram, 3 rd Right Cross, Tiruchanoor , Tirupati Rural Mandal, Chittoor District. Cell No. 9441572629.(MR-2)

3. Sri S. Mohammed, S/o Sk. Abdulla, Age-34, Driver of Lorry AP 21 TV 3666, R/o D.No. 14-1-91, Morrisepet, Tenali, Guntur District, Cell No: 9700577719. DL No: 3926120070D (Owner name Shaik Mahaboob Subhani, Cell No 9700877293).
4. Sri Syed Sajad Basha, S/o Sri Sikindar, age 37 years, cleaner of Lorry AP 03 TC 3969, R/o D.No. 15-1969, Ashokapuram, Chittoor Town, Chittoor District, DL No: AP 003 1997 0000078) (Owner C.V.Ramesh Babu, cell No: 917722083).
5. Sri.Gandi Satish, S/o G.Subba Rao, age 30 years, Driver of Lorry AP 07 TD 4959, R/o D.No:1-4-294, Bhavanipuram, Vijayawada, Cell No: 9885026631, (DL No: DLFAP016323452001), (Owner Siva Reddy).
6. Sri Mogali Venkaiah, S/o late Gopaiah, age 46 years, Driver of lorry AP 16 TH 1659, R/o Shareemohammedpet, Jaggaiahpet Mandal, Krishna District. Cell No: 9441830234.
7. Sri Melapundi Mahadevan: To speak that he is private person as working unauthorized at Check post at the instance of the Check officials and unaccounted cash of Rs.3,000/- was found the same was seized by Inquiring Offcer.
8. Sri A.Sankara Reddy, Deputy Superintendent of Police, Anti Corruption Bureau, Tirupati.
9. Sri.K.Chandrasekhar, Inspector of Police, Anti Corruption Bureau, Tirupati Range, Tirupati.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF DOCUMENTS:

1) Original Surprise Check Proceedings drafted on 14-04-2016 in between 08:00hrs to 15:00 hrs at Integrated Check Post, Commercial Tax Department, Naraharipet, Chittoor District.

2) **DUTY REGISTER OF CT, FOREST AND RTA DEPARTMENT:** The record is being maintaining from 14-02-2016 to till date.

3) **DUTY REGISTER OF AGRICULTURAL DEPARTMENT:** The record is being maintaining from 01-01-2016 to till date.

4) **CASUAL LEAVE REGISTER OF CT, FOREST AND RTA DEPT:** The record is being maintained from 01-01-2016 to till date.

5) Letter Ref.No.SA/03/2016, date: 18-04-2016 of Deputy Commissioner, Commercial Tax, Chittoor District.

6) Memo No **101/Spl.B/2000-4, Dated 17-4-2001** of Government General Administration Department (SplB) of Commissioner, Commercial Tax Department, Andhra Pradesh, Hyderabad.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER